

COPYRIGHT LAW

(Final Version)

P a r t O n e

RIGHTS OF AUTHORS

C h a p t e r I

INTRODUCTORY PROVISIONS

Article 1

Authors of literary, scientific and artistic works shall enjoy copyright as provided for in this Law in respect of their creations (authors' works).

Article 2

The authors' works of nationals of the Republic of Croatia, or of persons who are not nationals of the Republic of Croatia but have their usual residence in the Republic of Croatia, published in the Republic of Croatia or abroad, as well as authors' works which have not been published, shall enjoy protection pursuant to this Law.

The unpublished authors' works of foreign nationals and stateless persons first published in the Republic of Croatia shall enjoy, pursuant to this Law, the same protection as the authors' works of nationals of the Republic of Croatia.

The authors' works of foreign nationals not first published in the first published in the Republic of Croatia shall enjoy, pursuant to this Law, the same protection as the authors' works of nationals of the Republic of Croatia.

Chapter II

THE AUTHOR'S WORK AND THE AUTHOR

1. The Author's Work

Article 3

Unless otherwise provided in this Law, a creation in the literary, scientific or artistic field or in any other field of creation, whatever may be the kind, method or form of expression thereof, shall be considered an author's work.

The following, in particular, shall be considered authors' works:

- written works (books, pamphlets, articles and other writings);
- oral works (lectures, addresses and other works of the same nature);
- dramatic and dramatico-musical works;
- choreographic works and entertainments in dumb show the acting form of which is fixed in writing or otherwise, as well as works derived from folklore;
- musical works, with or without words;
- cinematographic works and works created by a process analogous to cinematographic creation;
- works of painting, sculpture, architecture and graphic art, whatever may be the material of which they are made, as well as other works of fine art;
- works of all branches of applied art and industrial designing;
- photographic works and works produced by a process analogous to photography;
- cartographic works (geographical maps, topographical maps, and the like);
- plans, sketches and three-dimensional works related to geography, topography, architecture and any other scientific or artistic field;
- computer programs.

Article 4

Authors' works shall also include collections of authors' works, such as encyclopedias, compilations, anthologies, musical and photographic collections, and the like, which, by reason of the selection and arrangement of material, constitute independent creations.

Authors' works shall also include collections of creations of folk literature and art, of documents, of court decisions or of other similar material which do not, of themselves, constitute protected authors' works, if such collections, by reason of the selection, arrangement and method of presentation of material, constitute independent creations.

The provisions of the first and second paragraphs of this Article shall not affect the rights of the authors of the individual works making up the collections referred to therein.

Article 5

Translations, adaptations, musical arrangements and other alterations of authors' works shall be protected as original works.

The protection provided for in the first paragraph of this Article shall also be granted to translations of official texts of a legislative, administrative or judicial nature, if these translations are not made for the purpose of official publication and are not published as such.

The provision of the first paragraph of this Article shall not affect the rights of the author of the original work.

Article 6

The use of creations of folk literature and art for the purpose of a literary, artistic or scientific arrangement shall be free.

Article 7

The title of the author's work shall enjoy the same protection pursuant to this Law as the work itself.

It shall be unlawful to give the author's work a title which has already been used for the author's work of the same kind, if such title is likely to cause confusion regarding the author of the work.

2. The Author

Article 8

The author of a work is the person who created the work.

The person whose full name or pseudonym appears on the work shall be regarded as the author, unless proved to the contrary.

Article 9

The author of a collection of authors' works is the person who made the collection.

The author of a translation, as well as the author of a work which has been adapted, musically arranged, or altered in another way, is the person who translated, adapted or musically arranged such work or who altered it in another way.

The person who created a literary, artistic or scientific work by using creations of folk literature or art is the author of the work so created.

Article 10

Where an author's work created jointly by two or more persons constitutes an indivisible entity, copyright in such work shall belong indivisibly to all those who contributed to its creation.

If the mutual relationships between co-authors are not otherwise settled by a contract, the share of each co-author shall be fixed in pr

The Cinematographic Work

Article 13

The author of the scenario, the director and the director of photography, as well as the principal cartoonist in the case of an animated cartoon film, shall be considered the authors of the completed cinematographic work.

If music is the essential element of a cinematographic work, the composer of the music for that work shall also be considered the author of such cinematographic work.

The composer of film music who is not considered the author of the cinematographic work within the meaning of the second paragraph of this Article, the designer of the sets, the costume designer and the make-up artist shall have copyright in their contributions and may transfer them to the maker of the cinematographic work only by a contract.

Article 14

work, provided that this is without prejudice to the rights transferred to the makers of the cinematographic work.

Article 17

The cinematographic work shall be regarded as completed when the first master print of the film has been produced in compliance with the agreement between the authors and the maker of the cinematographic work.

Article 18

If the maker does not complete the cinematographic work within three years of the date of the conclusion of the contract pertaining to the making of such work, or if he does not distribute the cinematographic work so completed within one year of the date of the completion thereof, the authors of the cinematographic work, while reserving their right to remuneration, may request rescission of the contract unless another time limit is agreed upon.

If any of the authors refuses to complete his contribution to the cinematographic work or if, by force majeure, he is unable to do so, he may not object to the use, for the purpose of completing the cinematographic work, of the contribution he has already made. Such an author shall have the corresponding copyright in the contribution already made to the creation of the cinematographic work.

The Copyright Work Created in the Course of Employment or Pursuant to a Commission

Article 19

The relations concerning authors' works created in the course of employment, shall be governed by general acts and collective agreements or employment contracts, in accordance with this Law.

Article 20

A legal entity, or the employer, shall have the exclusive right to use, within the framework of their regular activity and within a period of five years,

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authors' works created by a worker in the fulfillment of his work obligations in that legal entity, or on the premises of that employer (work created in the course of employment), without requesting the authorization of the worker who is the author of the work in question.

The worker-author shall have the right, for the use of the author's work created in the course of employment within the meaning of the first paragraph of this Article, to a separate remuneration in accordance with collective agreements or employment contracts, in proportion to the extent to which the use of the work has contributed to the increase in

revenues or profit, or to the exercise of the activities and the achievement of the tasks of that legal entity.

The worker-author of the work created in the course of employment shall retain all other copyrights in his work.

Other copyrights in works created in the course of employment may not be limited by collective agreements or employment contracts or by a contract (Article 19).

Subject to the provisions of this Article, the owner of the author's economic right in a computer program created in an enterprise or other legal entity, or on the premises of an employer, shall be that legal entity or that employer.

Article 21

The right of publication of the author's work created in the course of employment shall include the right to publish a single bibliographic edition, that is, the right to a single multiplication.

When a work created in the course of employment is published, a legal entity, or the employer, shall be obliged to indicate the full name of the author or his pseudonym.

If the legal entity, or the employer, does not publish the work created in the course of employment before the expiration of the time limit provided for in the general act, in a collective agreement or an employment contract, the right to publish the work shall revert to the author.

The legal entity, or the employer, may, even before the expiration of the time limit referred to in the third paragraph of this Article, permit the author to publish the work created in the course of employment.

When publishing his complete works the author may, even without the permission of the legal entity, or of the employer, publish the work created in the course of employment without regard to the fact that the said work has already been published.

After the expiration of a period of five years from the date of completion of a work created in the course of employment, the right to publish the work shall revert to the author.

The right of publication of the work created in the course of employment shall revert to the author even before the expiration of the period provided for in the sixth paragraph of this Article if the significance of the work is limited to a shorter period.

Article 22

The worker employed within a legal entity, or on the premises of an employer, who, in the fulfillment of his work obligations, draws up an account of technical matters, a report, an official record or any other similar work shall not acquire any copyright in such works.

Article 23

Unless otherwise agreed, all copyrights in works created pursuant to a work-by-contract agreement shall belong to the author who created the work.

Subject to the provisions of the first paragraph of this Article, the owner of the author's economic right in a computer program created pursuant to a work-by-contract agreement shall be the person who ordered it, unless otherwise specified in the said agreement.

Article 24

Where one or more persons have organized the work on the creation of an author's work (hereinafter referred to as "the person commissioning the work") in which several contributors not having employment relationships with the person commissioning the work have participated, the copyright in the whole work shall, unless otherwise stipulated in the contract, belong to the person who commissioned it.

Each of the persons who have contributed to the creation of the work referred to in the first paragraph of this Article shall retain his copyright in his own contribution.

The person commissioning the work referred to in this Article shall not republish it or use it for any other purpose without the authorization of all the contributors.

Chapter III

CONTENT AND EXPLOITATION OF COPYRIGHT

Article 25

Article 27

The author's moral rights shall consist of the right to be recognized and indicated as the author of the work, his right to object to any distortion, mutilation or other modification of the work, and his right to object to any use of the work which would be prejudicial to his honor or reputation.

Article 28

Any person who publishes, alters, arranges, performs, translates or records an author's work and any other person who exploits such work in public shall be required to indicate the full name of the author of the work for each and every exploitation, if the author does not want the work to be anonymous or pseudonymous.

Article 29

The author may at any time, after having compensated the damages to the owner of the copies thereof, withdraw his published author's work from circulation or buy all copies thereof, as well as prohibit the latter from being further exploited in any form whatsoever, if the use of the said work might prejudice the scientific or artistic reputation of the author.

If the author's work referred to in the first paragraph of this Article is put back into circulation, the former owner of the copies of the work shall have priority as regards the right to use the work, that is, the rights to pre-emption within 30 days from the date on which he was informed about it, but not later than one year from the date on which the work was put back into circulation.

The prerogatives provided for in the first paragraph of this Article shall not belong to other copyright owners.

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Article 30

The author shall have the exclusive right to publish, reproduce or multiply, distribute, present, perform, adapt or exploit it in any other way, unless otherwise provided in this Law.

Article 31

Authors of dramatic, dramatico-musical and musical works shall have the exclusive right to authorize:

1. the public performance of such works;
2. the communication to the public of the performance of such works by any means.

The rights referred to in the first paragraph of this Article shall also be granted to the authors of dramatic and dramatico-musical works with respect to translations of such works.

Article 32

The author of a literary work shall have the exclusive right to authorize the public recitation and reading of his work.

Article 37

The author shall have the exclusive right to authorize adaptations, arrangements or other alterations of his work.

Article 38

Authors of literary, musical, scientific and artistic works shall have the exclusive right to authorize:

1. the cinematographic adaptation or reproduction of these works and the distribution of the works thus adapted or reproduced;
2. the public performance and presentation of the works thus adapted or reproduced.

Without prejudice to the rights of the author of the work adapted or reproduced, a cinematographic work created by the adaptation or reproduction of literary, musical, scientific or artistic works shall be protected as an original work.

The adaptation, in any artistic form, of cinematographic works derived from literary, musical, scientific or artistic works shall not be effected without the authorization of the authors of such works or without the authorization of the authors of the cinematographic works, unless that right has been granted by them to the maker by a contract.

translate the work and publish the translation but has been unable to reach him or to obtain his authorization.

If the applicant for the authorization has been unable to reach the author of the work, he shall send a copy of the application by which he has requested the authorization to the publisher whose name appears on the work and, if the nationality of the author is known, to the diplomatic or consular representative of the State of which the author of the work is a national or to the authority designated by the Government of that State.

The Ministry of Culture shall not grant the requested authorization for the translation before the expiration of a period of two months from the date of the dispatch, to the publisher and to the authority referred to in the second paragraph of this Article, of the copy of the request by which the applicant has requested the authorization.

Article 46

The authorization for the translation may be granted to several persons.

The granted authorization may not be transferred to a third party.

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The applicant for the authorization shall be required to pay remuneration to the author for the use of his work and to respect other rights of the author of the translated work.

The Ministry of Culture shall not grant the authorization if the author has withdrawn from circulation or bought all copies of the work for the translation of which the authorization was requested.

Article 47

The following shall be permissible in the territory of the Republic of Croatia without the authorization of the author:

1. the publication and reproduction of excerpts from a literary, scientific or artistic work for teaching purposes;

2. the reprinting in periodical publications of articles dealing with current matters of general public interest, p52 -1.16145.6(th.8(e apne301 Twg2 -1.1614)9 TDint)-5.3(rest, duce Go)-5.3(1 8 s8

In all the cases referred to in the first paragraph of this Article, the author's full name, the original work and the origin of the borrowing must be clearly indicated.

In the cases referred to in the first paragraph of this Article, the author shall have the right to a remuneration and all other rights vested in him under this Law.

Article 48

The following shall be permissible in the territory of the Republic of Croatia without the authorization of the author and without the payment of a remuneration for use:

1. the performance of a literary or artistic work for the purposes of teaching or in the form thereof, provided that such performance involves no entrance fee or other form of payment or is given on the occasion of school celebrations where attendance is free of charge;

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2. the publication of reviews of published literary, artistic or scientific works, wherein the content of such works is reproduced in an original and abridged manner;

3. the public exhibition of works, except those the exhibition of which is prohibited by the author, provided that he has not renounced this right by a contract;

4. the reproduction of works already published, effected for purposes of improving one's personal knowledge, provided that such reproduction is neither intended for nor accessible to the public;

5. the reproduction of works of painting by means of sculpture and *vice versa*, as well as the reproduction of works of architecture by means of painting or sculpture;

6. the faithful reproduction of the content of the work in a form accessible to the public;

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Other lectures, addresses and other works of the same nature may, without the authorization of the author and without the payment of remuneration for their use, only be reported briefly in the daily and periodical publications and by broadcasting.

A collection of the works mentioned in the first and second paragraphs of this Article may not be compiled without the authorization of the author.

In the cases provided for in the first and second paragraphs of this Article, the author shall retain all other rights vested in him by this Law.

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Article 50

Remuneration shall be paid for the exploitation of creations of folk literature and art by means of a public performance as for a public performance of authors' works. The remuneration shall be the revenue of the government budget.

The exploitation of creations of folk literature and art in any other form shall be free.

Persons who exploit creations of folk literature and art must indicate the origin of the work and abstain from any mutilation or any unworthy use thereof.

The corresponding organizations of authors and the Croatian Academy of Arts and Sciences shall be entrusted with the safeguardi4o(d)TJe09r -

When using the author's work, the person to whom the right of exploitation of that work has been transferred shall not be authorized to make any modifications thereof, unless otherwise agreed or provided in this Law.

Article 53

The author has the exclusive right to transfer the right of exploitation of his work to another person and to allow the user to modify the work or to alter it in the respects and within the limits specified.

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2. Transfer by Authors' Contracts

(1) Common Provisions Concerning Authors' Contracts

Article 54

The author may transfer the right of exploitation of his work to another person through authors' contracts, such as a publishing contract, a performance contract, a contract for a cinematographic work, a contract for radio and television broadcasting, a contract for the recording of his work by means of instruments recording sounds and images, a contract for the alteration (adaptation) of his work, a contract for the transfer of the right of translation of his work, and the like.

Article 55

Authors' contracts shall be concluded in writing.

An author's contract not concluded in writing shall have no legal effect, unless otherwise provided by the Law.

Article 56

An author's contract shall contain in particular: the names of the contracting parties, the title of the author's work which is the subject of the contract, the type of use of the author's work, the amount, terms and time limits for the payment of a remuneration where the work is used in consideration of remuneration.

The remuneration for the use of the author's work shall, in so far as this is possible, be fixed by taking into account the quality of the work, the sales possibilities thereof, the economic benefits which the other contracting party derive from using the work, as well as other conditions permitting an evaluation of the results achieved by the author's work as regards meeting social needs.

Article 57

If the revenue derived from the use of the author's work is evidently disproportionate to the author's agreed remuneration, the author shall be entitled to request that a more equitable participation in the revenue so derived be fixed and/or ensured by an amendment of the contract for the use of the work.

Article 58

The author's contract may also concern a work not yet created.

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Any contract in which the author transfers the right of exploitation in respect of his future works shall be null and void.

Article 59

The author shall be required, during the period of validity of the contract, to abstain from acts which might disturb the user in the exercise of the transferred copyright.

Article 60

The provisions of the laws governing contractual relations shall apply to authors' contracts, unless otherwise provided in this Law.

(2) Publishing Contract

Article 61

By a publishing contract, the author transfers to the publisher the right of publication of his author's work by means of printing or multiplication.

The publisher shall be required to publish the author's work, to indicate the author's full name, if the author does not want the work to be anonymous or pseudonymous, visibly on each copy, to pay a remuneration to the author if the work is used in consideration of remuneration, to ensure effective distribution of copies of the work, and to supply the author periodically, at his request, with information concerning the distribution of copies of the author's work.

By a publishing contract, the author may also transfer to the publisher the right of translation of his work for the purpose of the publication thereof in other languages, both in the Republic of Croatia and abroad.

Article 62

The author's agent may conclude a publishing contract only for the works specified in his power of attorney.

The agent of the author with limited business capacity may not conclude a publishing contract without the author's consent to the publication of the work.

or modifications in his work, provided that these do not involve excessive expense for the publisher and do not alter the character of the work.

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Article 68

When a work is destroyed by force majeure after its remittance to the publisher with a view to its publication, the author is entitled to the remuneration which would have been due to him if the work had been published.

When a prepared edition is destroyed by force majeure before its distribution, the publisher is entitled to prepare a new edition, and the author shall have the right to the remuneration for the destroyed edition but not for the identical new edition.

In the case of partial destruction of a prepared edition by force majeure before its distribution, the publisher is entitled to reproduce, without paying remuneration to the author, only as many copies as were destroyed.

Article 69

The following shall cause the publishing contract to terminate: the death of the author before the completion of the author's work, the fact that all editions provided for in the contract are out of print and the termination of the contract.

Unless otherwise stipulated in the contract, the author may request the rescission of the publishing contract if, after one edition being out of print, the publisher has not, within one year from the date on which the author requested him to do so, proceeded with publishing a new edition as stipulated in the contract.

If, within the time limits provided for in the contract, the author has not delivered the author's work to the publisher or the publisher has not published the work, the publisher or the author, as the case may be, may demand the rescission of the contract and claim damages for non-fulfillment of the contract; in addition,

Article 69

If the publisher, during the period of validity of the publishing contract and at the latest on expiration of three years from the date of publication of the work unless a longer period is stipulated in the contract, intends to sell unsold copies of

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the work for pulping, he is bound to offer them first to the author at the price which he would obtain if he sold them for pulping.

If the author does not purchase the offered copies of the work, or purchases only a part thereof, the publisher may sell the remaining copies of the work for pulping.

(3) Presentation Contract and Performance Contract

Article 72

By a performance contract or a presentation contract respectively, the author of the work shall transfer the right of public presentation or performance of the author's work to the user, and the user shall undertake to present or perform, as the case may be, the said work within the fixed time limit, and in the manner and under conditions set forth in the contract.

Article 73

The author may simultaneously transfer the right of presentation or performance respectively of a given author's work to a larger number of users, unless he has renounced that right by a contract.

Article 74

The presentation contract or the performance contract respectively shall specify in particular the type of presentation or performance, as the case may be, of the author's work and the territory in which the work may be used.

Article 75

If, within the time limits provided for in the contract, the author has not delivered the work (manuscript, score, or the like) to the user, or the user has not presented or performed the work respectively, the author or the user, as the case may be, may demand the rescission of the presentation contract or the performance contract respectively, and claim damages for non-fulfillment of the contract.

Where the rescission of the contract is due to a fault on the part of the user, the author shall also have the right to keep the remuneration received or, as the case may be, to request payment of the remuneration stipulated in the contract.

The manuscript, score or other original of the author's work which is the subject of the presentation contract or the performance contract respectively, shall, unless otherwise stipulated in the contract, remain the property of the author.

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Article 76

The beneficiary of the presentation contract or performance contract respectively shall

(5) Transfer by Inheritance

Article 79

The provisions of the laws on inheritance shall apply to the inheritance of copyright, unless otherwise provided in this Law.

(6) The Care for the Respect and Protection of Authors' Moral Rights After the Author's Death

Article 80

After the death of the author, the respect for the authors' moral rights, unless the author otherwise determined while his economic rights were still in effect, shall be vested in his heirs, in the organization of authors the deceased author belonged to or would have belonged to according to the provisions of the Law on the Transfer of Copyrights.

Chapter VI

ADMINISTRATION OF COPYRIGHT

Article 89

The author may exercise his author's rights by himself or through an agent.

Article 90

Organizations of authors and other copyright owners, as well as other specialized organizations for the administration of copyrights (e.g. Croatian Copyright Agency), are authorized to administer the copyrights, with the authorization of the Ministry of Culture.

In order to administer copyright, an organization referred to in paragraph 1 of this Article, except for the rights in paragraph 3 of this Article, needs a power of attorney received from the author or other copyright owner.

Organizations of authors may administer copyrights of public performance of non-scenic musical and literary works ("*petits droits*"), including the rights referred to in Article 32 and 36 of this Law, even without a power of attorney from the author or other copyright owner.

The Ministry of Culture shall give the authorization provided for in paragraph 1 of this Article to the organization that fulfills the professional criteria for the administration of copyrights.

The professional criteria referred to in paragraph 4 of this Article shall be determined by the Minister of Culture and Education in a general act.

Article 91

If there is no copyright contract for a public performance of non-scenic literary and musical works or if the contract doesn't stipulate the amount of the remuneration, the organizations of authors may obtain a remuneration for the authors of these works in the amount that they have determined in their general act. If the Croatian Radio and Television broadcasting is concerned, the amount of the remuneration determined in the general act of the authors' organization shall be authorized by the Ministry of Culture.

Article 92

To act as representative before courts and other bodies, the organization of authors or the organization referred to in Article 90 of this Law must possess a special power of attorney from the author whose copyright is concerned in the litigation.

Article 93

To act as representative before courts and other bodies with a view of enforcing copyrights referred to in Article 90 paragraph 3 of this Law, the organization of authors or the organization referred to in Article 90 of this Law, shall not need a special power of attorney from the author.

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2. that the objects by means of which the infringement of the copyright was committed be destroyed or modified;
3. that the judgment be published at the expense of the defendant.

Article 97

At the request of the plaintiff who furnishes evidence that his copyright has probably been infringed, the court may, even before taking a decision on the merits of the case, order

INTRODUCTORY PROVISIONS

Article 100

Performers who perform literary or musical works or other artistic works shall enjoy the rights laid down in this Law in respect of their performances.

The rights of performers shall in no way affect the rights of the authors of the works mentioned in the first paragraph of this Article.

Article 101

For the purposes of this Law, performers are individuals and groups that in an artistic manner present, recite, declaim, sing, play, dance or in any other way perform literary or musical and other artistic works.

Article 102

The performer who is a national of the Republic of Croatia, or a foreign national who has a usual residence in the Republic of Croatia, shall enjoy the rights provided by this Law in respect of his performances given or used in the Republic of Croatia or abroad.

The performer who is a foreign national or stateless shall enjoy the rights in respect of his performances given or used in the Republic of Croatia, pursuant to this Law within the framework of the obligations which the Republic of Croatia has assumed under international treaties or on the basis of *de facto* reciprocity.

Chapter II

technical or other defects, and also to improper use of recordings that are prejudicial to his honor and reputation.

Article 104

Unless otherwise provided by this Law, the performance of the performer may not be subjected to the following without his consent:

1. radio or television broadcasting;
2. sound or visual or audiovisual recording;
3. reproduction of such recordings;
4. distribution of such recordings (copies of such recordings);
5. direct communication to the public by loudspeaker or other technical systems outside of the room or place in which the performance is given.

In the cases referred to in the first paragr

The recordings referred to in the first paragraph of this Article, subparagraph 3, may after broadcasting be entrusted to public archives as documentary material or be rebroadcast against the payment of a remuneration.

Article 107

When a recorded performance that had been placed on sale is used for communication to the public other than by radio or television broadcasting (secondary use), the user shall pay a special remuneration to the organizations of performers.

A special remuneration referred to in the previous paragraph shall be paid by the user in the amount determined by the organization of performers in its general act. The amount cannot be higher than 40 % of the author's remuneration provided for such uses in Article 91 of this Law.

Article 108

The rights of the performer who is the employee of an organization shall be governed by the general act of that organization, in accordance with this Law.

The moral rights of the performer, as recognized by this Law, may not be limited by the general act referred to in the first paragraph of this Article.

The performer may, during the term of the right of exploitation that is granted to him in relation to his performance, transfer that right by contract to another person (performer's contract), either wholly or in part, with or without the remuneration.

The person to whom the right to exploit a performance has been transferred may not, without the consent of the performer, transfer that right to a third party unless otherwise provided by the performer's contract.

Article 111

The performer's contract shall be concluded in writing.

The performer's contract that is not concluded in writing shall have no legal effect.

Article 112

The performer's contract shall contain the following: the names of the contracting parties, the medium and manner in which the performance is to be used, the name of the author, the title of the work performed, the amount of remuneration and also the mode of payment and time limits therefor.

In addition to the particulars mentioned in the first paragraph of this Article, the performer's contract relating to the recording of the performance and to the broadcasting of the said recording by radio or television shall also state the number of broadcasts and the period during which broadcasting may take place, while the performer's contract relating to the reproduction of the recording shall state the number of copies that may be made.

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Chapter IV

TERM OF THE RIGHTS OF PERFORMERS

Article 113

The term of the economic rights of performers provided for in this Law shall be 20 years, counted,

1. for recorded performances, from the end of the year in which they were recorded;

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3. for broadcasts, from the end of the year in which they were broadcast.

Article 114

The moral rights of the performer shall subsist even after the termination of his economic rights.

Chapter V

ADMINISTRATION OF THE RIGHTS OF PERFORMERS

Article 115

The performer may exercise his rights directly or through an agent.

Article 116

The organizations of performers and other specialized organizations for the administration of the rights of performers may carry out such activities with the authorization of the Ministry of Culture.

In order to administer the rights of performers, the organizations referred to in paragraph 1 of this Article need to have the performer's power of attorney.

The Ministry of Culture shall issue the authorization referred to in paragraph 1 of this Article to such institution, association or other organization that fulfills the professional criteria for the administration of copyrights.

The professional criteria referred to in paragraph 4 of this Article shall be determined by the Minister of Culture in his act.

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Article 117

Broadcasting organizations and other users shall be obliged to provide the organization representing the performer with detailed information concerning the use of his performance.

The users referred to in the first paragraph of this Article shall also be obliged to submit to the organization representing the performer a copy of the performer's contract.

Article 118

Groups of performers shall exercise their rights through the persons authorized by them.

Article 121

Any person who, under his own name or the name of another person, publishes, presents, performs or transmits the work of another, or permits such acts, shall be guilty of a criminal offense and punished by imprisonment of up to five years.

Any person who without an indication of the author's name or pseudonym publishes, presents or transmits another person's author's work containing the author's name or

Prosecution for the offenses referred to in Article 121, paragraph 3 and 4 of this Law shall be instituted upon a private suit.

Article 125

An organization, an employer or an individual shall be punished by a fine of DM 500 to 1.000, expressed in kunas, if they:

1) publish, adapt, arrange, reproduce, present, perform, transmit, translate, record, put into unauthorized circulation, broadcast or publish in the media or in any other way use an author's work protected by this Law without the permission of the author or other copyright owner, or organization referred to in Article 90, paragraph 1 of this Law, if this organization is

commitment of an offense referred to in Article 125 and Article 126, paragraph 1 of this Law, shall be seized.

Article 128

An organization, an employer or an individual who acts contrary to Article 94, paragraph 1 or does not deliver to the organization referred to in Article 90, paragraph 1 the programme of the performed, presented or broadcast works with the exact data, or present incorrect data on the performed or presented author's work, shall be punished with a fine of DM 200 to 500, expressed in kunas.

The responsible person within the legal entity and such on the premises of the employer shall be punished by a fine of DM 100, expressed in kunas, for an offense from paragraph 1 of this Article.

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Article 129

An organization, an employer or an individual shall be punished for an offense by a fine of DM 300 to 500, expressed in kunas, if they do not provide the organization for the administration of performer's rights with the following:

- 1) complete data on the use of the performance (Article 117, paragraph 1.),
- 2) a copy of the performers' contract (Article 117, paragraph 2.)

For an activity referred to in paragraph 1 of this Article, the responsible person in the organization and on the premises of the employer shall be punished for an offense with a fine of DM 100, expressed in kunas.

Part Four

TRANSITIONAL AND FINAL PROVISIONS

Article 130

As from the of entry into force of this Law (Official Gazette of SFRY No. 19/78) the Copyright Law (Official gazette of SRRY No 30/86) shall cease to be in effect, except for the provisions of Articles 94, 95, 96, and 104 which will cease to be in force on the day of coming to effect of the corresponding republic provisions, but one year at the latest from the date of coming into force of the Copyright Law (Official Gazette SFRY No 19/78).

Article 131

The existing organizations administering copyrights or performers' rights respectively, shall continue to work and are obligated to submit to the Ministry of Culture, within 6 months from the date of entry into force of this Law, a request for the issuance of a permit to carry out the activity of administering copyrights, or to carry out the activity of administering performers' rights.

The Ministry of Culture shall make a decision regarding the request for a permit for carrying out the activity of administering copyrights pursuant to Article 90, paragraph 1 and 4 of this Law, or the activity of administering the performers' rights pursuant to Article 116, paragraph 1 of this Law, within 60 days from the date of the submission of the request.

The organization referred to in paragraph 1 of this Article which is not granted a permit according to the provision of Article 90, paragraph 1 and 4 and Article 116, paragraph 1 of this Law shall cease to be oper